

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

THIRTY-SIX LEGISLATIVE DAY  
MONDAY, FEBRUARY 11, 2008

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Stennett, absent and formally excused by the Chair; and Senators Andreason, Cameron, Coiner, Corder, Hill, and Stegner, absent and excused

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Jacob Reyes, Page.

The Senate advanced to the Third Order of Business.

## Reading and Correction of the Journal

Senators Coiner, Corder, Hill, and Stegner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 8, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

## Petitions, Resolutions and Memorials

### SJM 110 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Section 4, Article 4 of the United States Constitution declares: "The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence."; and

WHEREAS, even conservative estimates of the number of illegal immigrants residing in the United States range from twelve million to twenty million, with some estimates as high as thirty million; and

WHEREAS, the illegal entry into the United States by tens of millions of illegal immigrants approaches ten percent of this nation's population and should be considered an invasion; and

WHEREAS, the federal government has allowed this illegal immigration invasion to occur at an accelerating pace for the last several decades; and

WHEREAS, the North American Free Trade Agreement (NAFTA) and the Security and Prosperity Partnership of North America (SPP) are being used to nullify the Declaration of Independence and the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we emphatically urge and petition the President of the United States and the Congress of the United States and particularly the congressional delegation representing the state of Idaho to honor their oath of office to "support and defend the Constitution of the United States" by passing the necessary and appropriate legislation to resolve the illegal immigration crisis by:

- (1) Securing our national borders;
- (2) Stopping illegal immigration, including the ending of economic incentives for illegal immigration;
- (3) Ending birthright citizenship for children of illegal immigrants; and
- (4) Rejecting any form of amnesty for illegal immigrants.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SJM 110 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

## Reports of Standing Committees

February 11, 2008

The JUDICIARY AND RULES Committee reports that S 1387, S 1388, S 1389, S 1390, S 1391, S 1392, S 1393, S 1394, S 1395, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404, S 1405, S 1406, S 1407, S 1408, S 1409, S 1410, S 1411, S 1412, S 1413, S 1414, S 1415, and SCR 127 have been correctly printed.

DARRINGTON, Chairman

S 1387, S 1388, S 1389, and S 1390 were referred to the Transportation Committee.

S 1391 was referred to the Agricultural Affairs Committee.

**S 1392, S 1393, S 1394, S 1395, S 1396, S 1397, and S 1399** were referred to the Commerce and Human Resources Committee.

**S 1398** was referred to the Health and Welfare Committee.

**S 1400, S 1401, and S 1402** were referred to the Local Government and Taxation Committee.

**S 1403, S 1404, S 1405, S 1406, S 1407, S 1408, S 1409, S 1410, and S 1411** were referred to the Education Committee.

**S 1412, S 1413, S 1414, and S 1415** were referred to the State Affairs Committee.

On request by Senator Goedde, granted by unanimous consent, **SCR 127** was referred to the Education Committee.

February 8, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1308** and **S 1309** were delivered to the Office of the Governor at 1:58 p.m., February 8, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 11, 2008

The STATE AFFAIRS Committee reports out **HCR 36** and **S 1382** with the recommendation that they do pass.

MCKENZIE, Chairman

**HCR 36** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**S 1382** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Cameron was recorded present at this order of business.

February 8, 2008

Mr. President:

I transmit herewith Enrolled **H 424** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 424** and ordered it returned to the House.

February 8, 2008

Mr. President:

I return herewith Enrolled **S 1259** which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1259** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointments of Cameron Wheeler, Fred Trevey, Jim Yost, and Latham Williams was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Langhorst, the Gubernatorial appointment of Cameron Wheeler as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

On motion by Senator Stegner, seconded by Senator Langhorst, the Gubernatorial appointment of Fred Trevey as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

On motion by Senator Little, seconded by Senator Stegner, the Gubernatorial appointment of Jim Yost as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

On motion by Senator Coiner, seconded by Senator Langhorst, the Gubernatorial appointment of Latham Williams as a member of the Department of Parks and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Education Committee report relative to the Gubernatorial appointment of Richard Westerberg was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Acting Senator Sagness, seconded by Senator Goedde, the Gubernatorial appointment of Richard Westerberg as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Mike Gwartney was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Burkett, the Gubernatorial appointment of Mike Gwartney as Director of the Department of Administration was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 125**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Kelly, **SCR 125** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senator Andreason was recorded present at this order of business.

The President called Senator Darrington to the Chair.

The Acting President announced that **SCR 126** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Werk, **SCR 126** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1416**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO WATER RIGHTS ADJUDICATIONS; REPEALING SECTIONS 1 AND 3, CHAPTER 222, LAWS OF 2006, RELATING TO NORTHERN IDAHO WATER RIGHTS ADJUDICATIONS; AND DECLARING AN EMERGENCY.

**S 1417**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO WATER RIGHTS ADJUDICATIONS; REPEALING SECTIONS 1 AND 3, CHAPTER 222, LAWS OF 2006, RELATING TO NORTHERN IDAHO WATER RIGHTS ADJUDICATIONS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1406B, IDAHO CODE, TO PROVIDE FOR SPECIFIED NORTHERN IDAHO WATER RIGHTS ADJUDICATIONS; AMENDING SECTION 42-1425, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS RELATING TO ACCOMPLISHED

TRANSFERS AND THE PUBLIC INTEREST REGARDING NORTHERN IDAHO ADJUDICATIONS, TO PROVIDE THAT CERTAIN CHANGES OF PLACE OF USE, POINTS OF DIVERSION, NATURE OR PURPOSE OF USE, OR PERIOD OF USE OF A WATER RIGHT MAY BE CLAIMED IN THE NORTHERN IDAHO ADJUDICATIONS AND TO PROVIDE FOR OBJECTIONS TO RECOMMENDATIONS FOR SPECIFIED ACCOMPLISHED CHANGES; TO STATE LEGISLATIVE FINDINGS, TO SUBMIT AN ADVISORY BALLOT TO CERTAIN REGISTERED ELECTORS, TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO TRANSMIT SPECIFIED INFORMATION RELATING TO THE PROPOSED BOUNDARIES OF DESIGNATED RIVER BASINS TO CERTAIN BOARDS OF COUNTY COMMISSIONERS, TO DIRECT CERTAIN BOARDS OF COUNTY COMMISSIONERS TO PLACE A SPECIFIED QUESTION ON THE 2008 GENERAL ELECTION BALLOT FOR CERTAIN REGISTERED ELECTORS, TO PROVIDE THAT THE BOARDS OF COUNTY COMMISSIONERS SHALL CONDUCT THE ELECTION PURSUANT TO DESIGNATED STATUTORY PROVISIONS AND TO PROVIDE THE QUESTION TO BE PLACED ON THE BALLOT; TO PROVIDE FOR SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

**S 1418**

**BY RESOURCES AND ENVIRONMENT COMMITTEE  
AN ACT**

RELATING TO WATER RIGHTS ADJUDICATIONS; AMENDING SECTION 42-1406B, IDAHO CODE, TO DELETE THE KOOTENAI RIVER BASIN FROM THE NORTHERN IDAHO WATER RIGHTS ADJUDICATION AND TO CLARIFY THAT THE CLARK FORK-PEND OREILLE RIVER BASINS DO NOT INCLUDE BASIN 98; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1416, S 1417, and S 1418** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1377**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1252**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**H 355**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Werk. Total - 29.

NAYS--Corder, Little, Schroeder, Siddoway, Stegner. Total - 5.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 355** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **S 1325**, having been held, retained its place on the Third Reading Calendar for one legislative day.

**S 1334** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 34.

NAYS--None.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1334** passed, title was approved, and the bill ordered transmitted to the House.

**S 1336** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 34.

NAYS--None.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1336** passed, title was approved, and the bill ordered transmitted to the House.

**H 361** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 34.

NAYS--None.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 361** passed, title was approved, and the bill ordered returned to the House.

**H 362** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Werk. Total - 34.

NAYS--None.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 362** passed, title was approved, and the bill ordered returned to the House.

**S 1359** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Werk. Total - 31.

NAYS--Corder, Little, Stegner. Total - 3.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1359** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

The Senate advanced to the Sixth Order of Business.

### **Reports of Standing Committees**

The President returned to the Chair.

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate recessed at 12:03 p.m. until the hour of 4:30 p.m. of this day.

### **RECESS AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Stennett, absent and formally excused by the Chair; and Senators Bastian, Fulcher, Gannon, Goedde, Jorgenson, Pearce, Sagness, and Schroeder, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials.**

#### **SCR 128**

#### **BY RESOURCES AND ENVIRONMENT COMMITTEE**

#### **A CONCURRENT RESOLUTION**

STATING LEGISLATIVE FINDINGS AND REQUESTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND OFFICE OF ENERGY RESOURCES TO COMPILE A REPORT REGARDING GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE AND TO SUBMIT THE REPORT BY JULY 1, 2008, TO THE GOVERNOR AND THE LEGISLATIVE COUNCIL INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, there are indications that atmospheric concentrations of greenhouse gases are rising and are projected to continue to increase; and

WHEREAS, human activities and most significantly the burning of fossil fuels, contribute to the creation of greenhouse gases; and

WHEREAS, greenhouse gases are believed to trap heat in the atmosphere and have been linked by the U.S. National Academy of Sciences to climate change and more specifically drought, reduced snow pack, altered precipitation patterns, more severe forest and rangeland fires and forest diseases, all of which have economic and environmental impacts on Idaho; and

WHEREAS, over forty percent of Idaho's power comes from coal-fired power plants in neighboring states and, taking into account transportation, approximately eighty percent of Idaho's total end use energy is derived from fossil fuels; and

WHEREAS, development of in-state renewable energy resources and the development and implementation of energy conservation and efficiency technologies can dramatically reduce greenhouse gas emissions while bringing significant economic and environmental benefits to Idaho, including greater energy security and independence, improved air quality, economic vitality and diversity, development of new and innovative technologies, increased opportunity to recruit new business to Idaho, high wage job growth and increased state and local tax revenues; and

WHEREAS, Idaho has an abundance of natural resources including fertile crop and forest lands, hydropower, geothermal heat, wind and solar energy, all of which provide an opportunity for Idaho to grow its natural resource-based economic sectors and provide opportunities for the reduction of greenhouse gas emissions; and

WHEREAS, Idaho is well-suited to become a significant producer of renewable energy including geothermal, solar, and wind energy and to take advantage of markets in biofuels and carbon trading; and

WHEREAS, Idaho's institutions of higher learning and the Idaho National Laboratory offer valuable infrastructure to pursue research and development associated with new energy technologies; and

WHEREAS, the Idaho Legislature formally adopted the Idaho Energy Plan as prepared and adopted by the Legislative Council Interim Committee on Energy, Environment and Technology on January 26, 2007; and

WHEREAS, the purpose of the Idaho Energy Plan is to serve as a guide for state policymakers and all Idaho citizens and businesses, in their decisions about Idaho's energy production, delivery and consumption; and

WHEREAS, the Idaho Energy Plan calls on the state to prepare for the likelihood of future greenhouse gas regulation, and recommends policies which place the highest priority on the development of energy conservation and in-state renewable resources; and

WHEREAS, in Executive Order 2007-05, the Governor ordered the Director of the Department of Environmental Quality to serve as the central point of contact for coordination and implementation of Idaho's greenhouse gas reduction efforts and other associated activities, including the development of a greenhouse gas emission inventory and providing recommendations to the Governor on how to reduce greenhouse gas emissions in Idaho, recognizing Idaho's interest in continued growth, economic development and energy security; and

WHEREAS, in Executive Order 2007-15, the Governor created the Office of Energy Resources within the Office of the Governor, among other things giving the Office of Energy Resources the responsibility to advise the Legislature of the state's energy requirements, supply, transmission, management, conservation and efficiency efforts, and providing assistance for energy conservation projects and renewable energy resource opportunities and assisting in the development of energy-efficient technologies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Department of Environmental Quality and the Office of Energy Resources are requested to work together and, with other entities in the state, to compile and assess the available information and prepare a report which shall:

(1) Identify potential economic growth opportunities associated with future regulation of greenhouse gas emissions including avenues for new business opportunities in Idaho; and

(2) Identify specific steps that the state could take to develop in-state renewable energy resources and to develop and implement energy conservation and efficiency technologies that will benefit the economy of the state; and

(3) Identify other steps that the state could take to reduce greenhouse gas emissions while enhancing our economy and taking a leadership role in addressing the effects of climate change; and

(4) Identify any regional or national efforts that the state should participate in to work with other entities on cross-jurisdictional solutions and opportunities to reduce greenhouse gas emissions and prepare for and respond to the effects of climate change.

BE IT FURTHER RESOLVED that the report shall be submitted to the Governor and the Legislative Council Interim Committee on Energy, Environment and Technology no later than July 1, 2008. The report may be used by the Legislative Council Interim Committee on Energy, Environment and Technology to develop recommendations and legislation for the 2009 session of the Idaho Legislature.

#### **SCR 129**

##### **BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION**

STATING LEGISLATIVE FINDINGS AND REQUESTING THE PROFESSIONAL STANDARDS COMMISSION OF THE STATE DEPARTMENT OF EDUCATION TO STUDY AND ISSUE A REPORT MAKING RECOMMENDATIONS CONCERNING THE TRAINING OF SCHOOL ADMINISTRATORS IN TEACHER SUPERVISION AND EVALUATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, teacher quality is one of the most important factors affecting student learning and achievement; and

WHEREAS, administrative leadership including, specifically, administrator expertise in the supervision of teachers and the evaluation of teacher performance, is critical to teacher quality; and

WHEREAS, many Idaho school administrators have either not received high quality training in the supervision and evaluation of teachers or the training they have received is dated, no longer current or occurred many years prior to their becoming administrators; and

WHEREAS, administrators sufficiently trained in current best practices concerning teacher supervision and evaluation who participate in such training will likely have a positive effect on teacher quality and, in turn, on student learning and achievement.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein,

that the Professional Standards Commission of the State Department of Education is requested to study the issue of administrator training, including opportunities for mentoring and continuing skills development, in the areas of teacher supervision and evaluation, and is requested to issue a report to the chairmen of the Senate and House of Representatives Education Committees by no later than September 1, 2008, which report should contain specific, practical recommendations for improving and enhancing the training of administrators in teacher supervision and evaluation.

**SCR 128** and **SCR 129** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

Senator Jorgenson was recorded present at this order of business.

#### **S 1419**

##### **BY JUDICIARY AND RULES COMMITTEE AN ACT**

RELATING TO EXEMPT PROPERTY AND ALLOWANCES; AMENDING SECTION 15-2-401, IDAHO CODE, TO REMOVE A REFERENCE TO THE FAMILY ALLOWANCE; AMENDING SECTION 15-2-402, IDAHO CODE, TO REVISE THE DETERMINATION AND AMOUNT OF THE HOMESTEAD ALLOWANCE, TO REMOVE CERTAIN CIRCUMSTANCES QUALIFYING A SURVIVING SPOUSE FOR A HOMESTEAD ALLOWANCE, TO REVISE TERMINOLOGY, TO PROVIDE A HOMESTEAD ALLOWANCE FOR CERTAIN MINOR AND DISABLED CHILDREN AND TO REMOVE CERTAIN CIRCUMSTANCES QUALIFYING SUCH MINOR AND DISABLED CHILDREN FOR A HOMESTEAD ALLOWANCE; AMENDING SECTION 15-2-403, IDAHO CODE, TO REMOVE REFERENCES TO THE FAMILY ALLOWANCE, TO PROVIDE FOR AN ALLOWANCE FOR CERTAIN TANGIBLE PERSONAL PROPERTY, TO REMOVE PROVISIONS DEALING WITH ENCUMBERED CHATTELS AND DEFICIENCIES OF EXEMPT PROPERTY, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 15-2-404, IDAHO CODE, RELATING TO FAMILY ALLOWANCE; AMENDING SECTION 15-2-405, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO REMOVE REFERENCES TO THE FAMILY ALLOWANCE, TO REMOVE A PROVISION FOR A CERTAIN LUMP SUM FAMILY ALLOWANCE, TO REVISE TERMINOLOGY AND TO REMOVE A PROVISION PERMITTING A PERSONAL REPRESENTATIVE OR CERTAIN INTERESTED PERSONS TO PETITION THE COURT FOR A CERTAIN FAMILY ALLOWANCE; AMENDING CHAPTER 2, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-2-406, IDAHO CODE, TO PROVIDE FOR LIMITATIONS ON EXEMPT PROPERTY AND HOMESTEAD ALLOWANCE BY WILL; AND AMENDING SECTION 56-218, IDAHO CODE, TO REMOVE PROVISIONS DEALING WITH PETITIONING THE COURT FOR AN EXEMPT PROPERTY ALLOWANCE CLAIM UNDER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

**S 1420****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR; AMENDING SECTION 5-337, IDAHO CODE, TO REVISE THE REQUIREMENTS FOR THOSE PERSONS OR ENTITIES WHO ACQUIRE A DEFIBRILLATOR AS A RESULT OF A PRESCRIPTION, TO PROVIDE IMMUNITY FOR ANY CIVIL DAMAGES RESULTING FROM CERTAIN GOOD FAITH ACTS OR OMISSIONS, AND TO REVISE NONAPPLICABILITY OF AN IMMUNITY.

**S 1421****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO PLACING DEBRIS ON HIGHWAYS; AMENDING SECTION 18-3906, IDAHO CODE, TO REVISE A PENALTY, TO REMOVE A NOTICE REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS.

**S 1422****BY JUDICIARY AND RULES COMMITTEE**  
AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING SECTION 18-4004A, IDAHO CODE, TO PROVIDE THAT THE PROSECUTING ATTORNEY FILE NOTICE TO SEEK THE DEATH PENALTY WITHIN NINETY DAYS AFTER ENTRY OF A DEFENDANT'S PLEA AND TO PROVIDE FOR EXTENSION OF TIME FOR FILING OF NOTICE.

**S 1423****BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO DUTIES OF THE STATE BOARD OF LAND COMMISSIONERS; AMENDING SECTION 58-104, IDAHO CODE, TO DELETE POWERS AND DUTIES OF THE STATE BOARD OF LAND COMMISSIONERS RELATING TO REGULATION AND CONTROL OF THE USE AND DISPOSITION OF LANDS IN THE BEDS OF NAVIGABLE LAKES, RIVERS AND STREAMS; AMENDING SECTION 67-4223, IDAHO CODE, TO AUTHORIZE THE PARKS AND RECREATION BOARD TO REGULATE AND CONTROL THE USE AND DISPOSITION OF LANDS IN THE BEDS OF NAVIGABLE LAKES, RIVERS AND STREAMS; AMENDING SECTION 67-4227, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OF SPECIFIED RIGHTS, DUTIES AND OBLIGATIONS FROM THE STATE BOARD OF LAND COMMISSIONERS TO THE PARKS AND RECREATION BOARD, AND TO PROVIDE THAT CERTAIN RIGHTS, DUTIES AND OBLIGATIONS SHALL BE RETAINED BY THE STATE BOARD OF LAND COMMISSIONERS; AND AMENDING SECTION 5-246, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**S 1424****BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-2504, IDAHO CODE, TO PROVIDE FOR PRELIMINARY STUDIES RELATING TO THE FEASIBILITY,

COSTS AND EXPENSES OF PROPOSED LOCAL IMPROVEMENT DISTRICTS, TO PROVIDE FOR THE COSTS OF PRELIMINARY STUDIES AND TO PROVIDE THAT PETITIONS FOR LOCAL IMPROVEMENT DISTRICTS SHALL INCLUDE CERTAIN ACKNOWLEDGMENTS; AMENDING SECTION 43-2506, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLICATION OF NOTICES OF INTENTION REGARDING THE CREATION OF LOCAL IMPROVEMENT DISTRICTS; AMENDING SECTION 43-2507, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONTINUATION OF HEARINGS FOR THE CONSIDERATION OF PROTESTS REGARDING THE CREATION OF LOCAL IMPROVEMENT DISTRICTS AND TO PROVIDE FOR THE RECOMMENCEMENT OF INITIATION OF LOCAL IMPROVEMENT DISTRICTS; AND AMENDING SECTION 43-2511, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLICATION OF NOTICES OF HEARING REGARDING ASSESSMENT ROLLS.

**S 1425****BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT; AMENDING SECTION 54-5102, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-5108, IDAHO CODE, TO PROVIDE THAT MEMBERS OF THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR AND TO REVISE QUALIFICATIONS FOR BOARD MEMBERSHIP; AMENDING CHAPTER 54, TITLE 51, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5108A, IDAHO CODE, TO PROVIDE FOR THE DISSOLUTION OF THE BOARD AND TO PROVIDE FOR APPOINTMENT OF BOARD MEMBERS; AMENDING SECTION 54-5109, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE BOARD; AMENDING SECTION 54-5111, IDAHO CODE, TO REVISE FEES FOR LICENSURE; AMENDING SECTION 54-5112, IDAHO CODE, TO REVISE QUALIFICATIONS FOR LICENSURE; AND DECLARING AN EMERGENCY.

**S 1426****BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO THE HOSPITALIZATION OF THE MENTALLY ILL; AMENDING SECTION 66-317, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 66-328, IDAHO CODE, TO PROVIDE THAT PROCEEDINGS FOR THE CARE OF MENTALLY ILL PERSONS SHALL BE HAD IN THE COUNTY WHERE SUCH PERSON RESIDES OR IN THE COUNTY WHERE SUCH PERSON IS FOUND; AMENDING SECTION 66-329, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO REVISE PROVISIONS RELATING TO VENUE, TO PROVIDE FOR CONSIDERATION OF REASONABLE ALTERNATIVES TO COMMITMENT, TO PROVIDE FOR OBSERVATION, CARE AND TREATMENT, TO PROVIDE FOR OUTPATIENT TREATMENT, TO PROVIDE FOR TRANSPORT OF A COMMITTED PATIENT, TO PROVIDE FOR THE TRANSFER OF THE COMMITTED PATIENT FROM OUTPATIENT TREATMENT TO THE LEAST RESTRICTIVE AVAILABLE FACILITY ON AN INPATIENT BASIS, TO PROVIDE NOTICE

OF SUCH TRANSFER, TO PROVIDE FOR JUDICIAL REVIEW AND DETERMINATION, TO PROVIDE FOR SHOW CAUSE ORDER AND TO LIMIT APPLICATION; AND REPEALING SECTION 66-338, IDAHO CODE, RELATING TO CONDITIONAL RELEASE, SECTION 66-339, IDAHO CODE, RELATING TO REHOSPITALIZATION OF PATIENTS CONDITIONALLY RELEASED FROM INPATIENT TREATMENT FACILITIES, SECTION 66-339A, IDAHO CODE, RELATING TO OUTPATIENT COMMITMENT, SECTION 66-339B, IDAHO CODE, RELATING TO OUTPATIENT COMMITMENT HEARING, SECTION 66-339C, IDAHO CODE, RELATING TO NONCOMPLIANCE WITH COURT ORDER, AND SECTION 66-342, IDAHO CODE, RELATING TO CHANGE IN DISPOSITION.

**S 1427**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE RESIDENCY REQUIREMENTS, TO PROVIDE FOR CONFIDENTIALITY OF STUDENT INFORMATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-3720, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE A PUBLIC RECORDS EXCEPTION.

**S 1428**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO FISCAL AFFAIRS OF SCHOOL DISTRICTS; AMENDING SECTION 33-701, IDAHO CODE, TO REVISE THE DATE ON WHICH AUDIT REPORTS ARE DUE, TO PROVIDE A PENALTY FOR NONCOMPLIANCE, TO PROVIDE FOR APPEAL TO THE STATE BOARD OF EDUCATION, TO REQUIRE SCHOOL DISTRICTS TO RESPOND TO THE STATE DEPARTMENT OF EDUCATION'S INQUIRIES REGARDING AN AUDIT REPORT WITHIN A TIME CERTAIN, TO PROVIDE A PENALTY FOR FAILURE TO RESPOND WITHIN THE TIME LIMIT SPECIFIED AND TO PROVIDE FOR APPEAL TO THE STATE BOARD OF EDUCATION.

**S 1419, S 1420, S 1421, S 1422, S 1423, S 1424, S 1425, S 1426, S 1427, and S 1428** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 4:43 p.m. until the hour of 10:30 a.m., Tuesday, February 12, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary